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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/820,340 | 08/16/2004 | Christopher Busuito | BUS-001 | 8152 |

49543 7590 05/04/2006

LAW OFFICES OF TIMOTHY M. BARLOW
P.O. BOX 64775
TUCSON, AZ 85728-4775

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| EXAMINER |
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SMITH, TIMOTHY SCOTT

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| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/820,340 | BUSUITO, CHRISTOPHER | |
| | Examiner | Art Unit | |
| | Timothy S. Smith | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2,4-6,11,12 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7-10,13-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4-8-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action represents a non-final first Office Action for the application titled "PORTABLE SPORTS EQUIPMENT HOLDER," filed August 16, 2004.

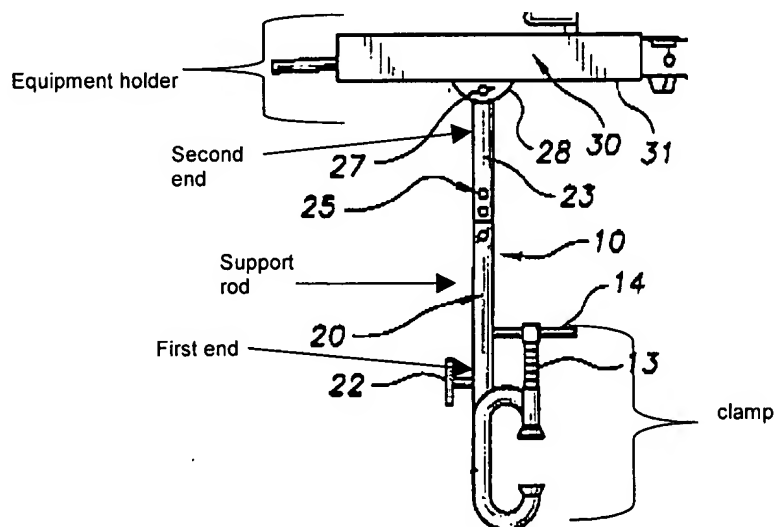
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 8, 13, 16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,032,911 to Osborne.



Osborne discloses a portable sports equipment holder (10) comprising a support rod (above) with a first end (above) and a second end (above), a clamp (above) attached to the first end of the support rod, an equipment holder/hook (above, comprised of members 30 & 27) removably attached to the second end of the support rod, wherein the equipment holder comprises a bow fork (see figure 3 wherein shape of equipment holder represents fork), wherein the equipment holder is pivotally and adjustably attached (column 3, lines 59-63) to the second end of the support rod, wherein the clamp may be attached to a suitable fixture (column 3, lines 37-41) and the bow fork may be adjusted to provide the desired orientation of a bow and to accommodate different bow limb designs (column 3, lines 59-63), wherein the second end of the support rod comprises an aperture (an aperture is not expressly disclosed, however, it can be inferred that the support rod includes an aperture as the equipment holder is secured to the support rod by putting bolt 27 through mounting tab 28 and then through aperture of support rod and securing the members to one another by twisting the wing nut onto the end of bolt 27, see also column 3, lines 59-63)) that is oriented perpendicular to a longitudinal axis of the support rod, wherein the equipment holder comprises a threaded member (27), wherein the threaded member is placed through the aperture and the equipment holder is secured to the support rod with a thumbscrew (column 3, lines 59-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10 and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne.

Osborne discloses the holder as applied above but does not disclose the equipment holder being made of a sound-dampening material, nor does Love disclose the equipment holder covered with a sound-dampening material, or a bow fork coated with a non-slip material, or a bow fork coated with a sound-attenuating material. Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the equipment holder of a sound-dampening material, or to have covered the equipment holder with a sound-dampening material, or to have coated the bow fork with a non-slip material, or to have coated the bow fork with a sound-attenuating material because the use of polymer materials to reduce noise generated between metals is well known in the art.

Response to Arguments

5. Applicant's arguments filed February 13, 2006 have been fully considered but they are not persuasive. The species disclosed in the application represent patentably distinct inventions because the equipment holder in species 1 is comprised of a fork,

whereas the equipment holder is species 2 is comprised of a hook. Accordingly, the restriction requirement stands. Claims 2, 4-6, 11-12, and 17-19 have been withdrawn from further consideration as being drawn to a non-elected species.

Additionally, it should be noted that Examiner spoke with Applicant regarding the identification of the species in the application. Examiner concurred with Applicant's argument that the figures only disclosed two species (I. Figs 1 & 4, II. Figs 2 & 3), as opposed to three species previously noted by the Examiner in the restriction requirement notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is listed below.

U.S. Patent Nos. 2,605,069 to Gillaspy, 2,694,538 to Consolo et al., Des. 379,142 to Miller, Des. 422,333 to Foster, 3,623,259 to Rode, 6,286,797 to Thaxton, 6,042,080 to Shepherd et al., 5,979,099 to Kervin, 5,933,999 to McClure et al., 5,930,931 to Watson, 5,481,817 to Parker, 4,913,391 to Klipp, 3,225,656 to Flaherty et al., 4,007,554 to Helmstadter, 759,593 to Cover, and U.S. Patent Pub. No. 2004/0134113 to Deros et al. disclose holders relevant to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy S. Smith whose telephone number is 703-272-8296. The examiner can normally be reached on 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

TSS

Timothy S. Smith
Patent Examiner
Art Unit 3632
May 01, 2006



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER